



LAND USE APPLICATION SUMMARY

Property Location: 1201 Buchanan Street Northeast
Project Name: 1201 Buchanan Street Northeast Fence
Prepared By: Janelle Widmeier, Senior City Planner, (612) 673-3156
Applicant: Ann and Jesse Hintze
Project Contact: Ann and Jesse Hintze
Request: To install a 6 foot tall fence.
Required Applications:

Variance	To increase the maximum height of a fence in a required front yard adjacent to Buchanan Street from 3 feet to 6 feet.
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SITE DATA

Existing Zoning	RIA Single-family District
Lot Area	6,468 square feet
Ward(s)	I
Neighborhood(s)	Northeast Park
Designated Future Land Use	Urban Neighborhood
Land Use Features	Not applicable
Small Area Plan(s)	Not applicable

Date Application Deemed Complete	May 2, 2016	Date Extension Letter Sent	Not applicable
End of 60-Day Decision Period	July 1, 2016	End of 120-Day Decision Period	Not applicable

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. A single-family dwelling is located on the subject site. It was permitted for construction in 1921. The site has frontage on two streets: Buchanan Street Northeast and 12th Avenue Northeast. The site is a reverse corner lot and has front yard requirements adjacent to each street.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The surrounding uses are predominantly low density residential. There is also a nonresidential building located across 12th Avenue from the subject property.

PROJECT DESCRIPTION. The applicant is proposing to install an opaque, 6-foot tall cedar fence along the east and west sides of the property. The fence on the east side would step down to a height of 4 feet where it is adjacent to the neighboring residential structure in order to comply with the maximum height requirements in the required interior side yard. Because the subject site is a reverse corner lot, a front yard is required adjacent to Buchanan Street. The minimum front yard requirement (both district and established) is 20 feet. In a required front yard, the maximum allowed height of a solid fence is 3 feet. The proposed fence on the west side of the property would be located in the required front yard. A variance is requested to increase the maximum allowed height of a fence to 6 feet.

PUBLIC COMMENTS. As of the writing of this report, staff has not received any correspondence from the neighborhood group. Any correspondence received prior to the public meeting will be forwarded on to the Board of Adjustment for consideration.

ANALYSIS

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance to increase the maximum height of a fence in a required front yard adjacent to Buchanan Street from 3 feet to 6 feet based on the following findings:

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.*

Practical difficulties exist in complying with the ordinance due to circumstances unique to the property. The site is a reverse corner lot and has 20 foot wide front yard requirements adjacent to Buchanan Street and 12th Avenue. The required front yard adjacent to Buchanan Street occupies a large portion behind the principal structure on the subject property. The vast majority of residential properties in Minneapolis have backyards that can be enclosed by a privacy fence, including properties on corner lots. If the property were located on a typical corner lot, rather than a reverse corner lot, the proposed design could be approved without a variance. The applicant could construct a 3-foot fence without a variance. However, the privacy function of a fence improves significantly as height increases from 3 feet to 6 feet.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.*

Fence regulations are established to promote the public health, safety and welfare, encourage an aesthetic environment and allow for privacy, while maintaining access to light and air. The proposed

fence is intended to allow for more privacy. It would be a solid, 6 foot tall cedar fence with 64 feet of frontage along Buchanan Street. It would be located entirely to the rear of the subject dwelling and it would also be located over 40 feet from the dwelling to the north and would therefore not have any effect on surrounding properties access to light and air. While tall fences in a required front yard achieve the goal of privacy, they can adversely affect public health, safety, and welfare. Such fences are often contrary to “CPTED” (crime prevention through environmental design) principles encouraging development that promotes natural observation by maximizing opportunities for people to observe adjacent spaces and public sidewalks. Because the proposed fence would be solid, opportunities for natural surveillance of the adjacent street would be diminished. To address this issue, CPED staff is recommending that any part of the fence taller than 4 feet shall be of an open and decorative design not more than 60 percent opaque. Because the grade where the fence would be located is elevated several feet above the adjacent sidewalk, the recommended condition should still allow for sufficient privacy. With the adoption of the CPED staff recommendation, the request is reasonable and would be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

3. *The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.*

With the adoption of the CPED staff recommendation, the granting of the variance would not affect the character of the area or be injurious to the use or enjoyment of other property in the vicinity and the proposed variance would not be detrimental to the health, safety or welfare of the public or those utilizing the property. The proposed fence would be a solid, 6 foot tall cedar fence with 64 feet of frontage along Buchanan Street. It would be located entirely to the rear of the subject dwelling and it would be located over 40 feet from the dwelling to the north and would therefore not have any effect on surrounding properties access to light and air. The fence is also proposed to be located on the east side of the mature tree adjacent to the west lot line in order to preserve the tree. However, CPED staff is recommending that any part of the fence over 4 feet in height shall be of an open and decorative design not more than 60 percent opaque to allow for natural surveillance opportunities.

RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the Zoning Board of Adjustment adopt staff findings for the application by Ann and Jesse Hintze for the property located at 1201 Buchanan Street Northeast:

A. Variance to increase the allowed maximum height of a fence.

Recommended motion: **Approve** the application for a variance to increase the maximum height of a fence in a required front yard adjacent to Buchanan Street from 3 feet to 6 feet, subject to the following conditions:

1. Any part of the fence over 4 feet in height shall be of an open and decorative design not more than 60 percent opaque.
2. Approval of the final site and elevation plans by the Department of Community Planning and Economic Development.
3. All site improvements shall be completed by June 9, 2018, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

ATTACHMENTS

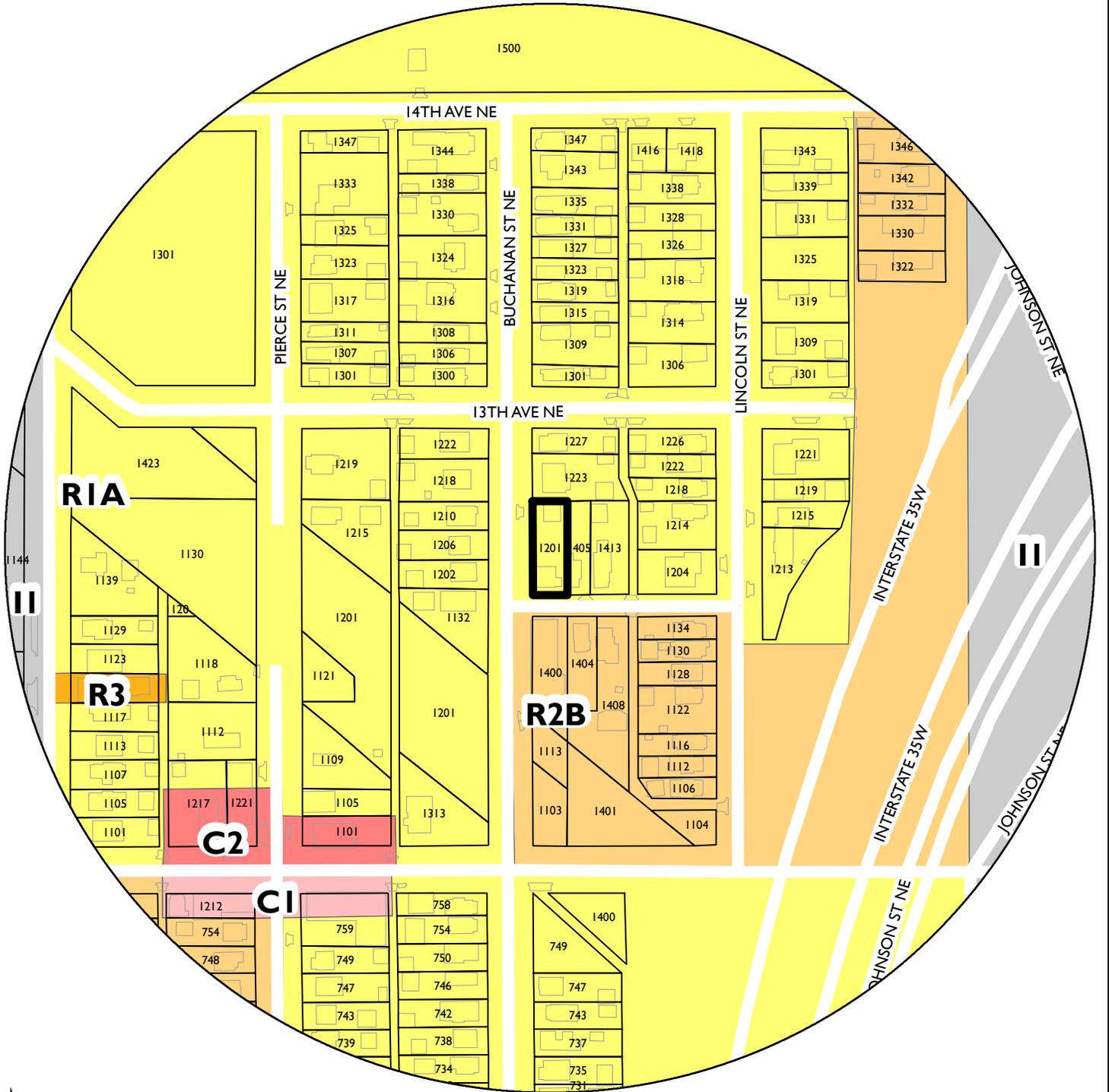
1. Zoning map
2. Written description and findings submitted by applicant
3. Site plan
4. Fence renderings
5. Photos

Ann and Jesse Hintze

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NAME OF APPLICANT

WARD



North Arrow



PROPERTY ADDRESS

1201 Buchanan Street Northeast

FILE NUMBER

BZZ-7686

Ann and Jesse Hintze
1201 Buchanan Street NE
Minneapolis, MN 55413
(612) 251-9904
annieg23@hotmail.com

May 1, 2016

Dear City Planners,

I am writing this letter to give a brief statement and description of what we are proposing related to our fence at 1201 Buchanan Street NE. We wish to have a 6'-0"H. cedar wood privacy fence built and installed by a fence professional, to fence in our backyard area.

According to the City of Minneapolis, we live on a 'reverse corner lot', which prohibits us from building a taller fence along the length of our backyard that runs parallel with Buchanan Street. Buchanan Street is a busy street with motor vehicles, bikers, and pedestrians and we get no privacy from this activity. We have twin baby boys that are 10 months old, and want a more private backyard for them to play and eventually run around in. The Public Functionary Art Museum is also within close proximity, which brings large crowds of people through the neighborhood and along our street in particular, and we wish to have privacy and a barrier from the commotion of these visitors walking and parking outside of our house. With the current code, we understand that only a 3'-0"H. fence would be allowed along Buchanan Street, and this would not give us the privacy that we are looking for. Our buildable space is limited to the way the home is situated on the lot, and because the location of our large yard is all behind our house, we are asking for a variance. The fence will be fairly far away from the closest neighbor and will have a garage in between their house and the fence. There are other non-conforming homes in the neighborhood and though our lot is unique we believe that it will improve the look of the neighborhood. Our fence will also be set far back from the sidewalk and property line and will be set completely behind our house. Our cedar wood privacy fence will be installed in a reasonable and aesthetically pleasing manner to our property and the neighborhood.

We sincerely ask that you would allow this variance, and allow us to build the 6'-0"H. privacy fence along the length of our yard that runs parallel to Buchanan Street (approximately 64'-0" in length).

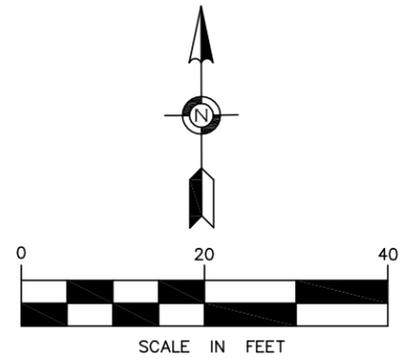
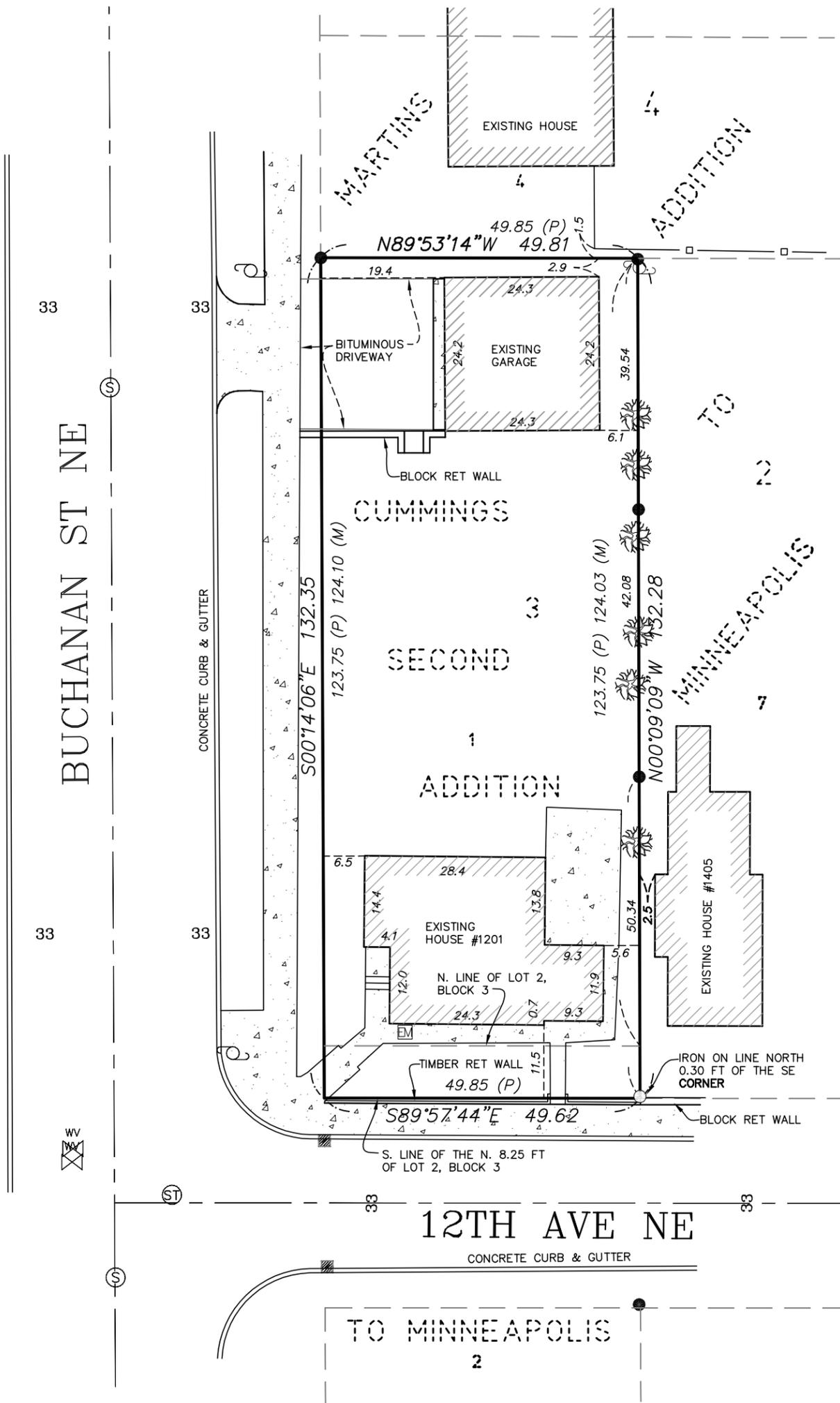
Thank you very much for your time.

Sincerely,
Ann and Jesse Hintze
Homeowners of 1201 Buchanan Street NE

CERTIFICATE OF SURVEY

-for-
JESSE HINTZE

Call 48 Hours before digging
GOPHER STATE ONE CALL
Twin Cities Area 651-454-0002
MN. Toll Free 1-800-252-1166



LEGEND

- DENOTES FOUND PROPERTY IRON
- DENOTES SET 1/2" X 18" REBAR WITH PLASTIC CAP "PLS 25105"
- DENOTES CONCRETE SURFACE
- DENOTES WOOD FENCE
- 🌳 DENOTES DECIDUOUS TREE
- - - DENOTES SETBACK LINE
- (M) DENOTES MEASURED DISTANCE
- (P) DENOTES PLATTED DISTANCE
- ⊙ DENOTES SANITARY MANHOLE
- ▨ DENOTES STORM CATCH BASIN
- ⊕ DENOTES STORM SEWER MANHOLE
- ⊕ DENOTES ELECTRIC POWER POLE
- ⊗ DENOTES WATER VALVE
- EM DENOTES ELECTRIC METER

LEGAL DESCRIPTION

PID: 13-029-24-24-0054

Lot 1 and the North 8 25/100 feet of Lot 2, Block 3, CUMMINGS SECOND ADDITION TO MINNEAPOLIS, Hennepin County, Minnesota

BUILDING SETBACKS

ZONING: R1A = SINGLE-FAMILY DISTRICT
HOUSE: FRONT = 20 FT OR AVERAGE BETWEEN ADJACENT HOUSES, WHICHEVER IS GREATER
REAR/SIDE = 5 FT

SURVEY NOTES

1. THE BASIS OF THE BEARING SYSTEM IS ON HENNEPIN COUNTY NAD 83(96 ADJ).
2. CONTRACTOR MUST VERIFY PROPOSED ELEVATIONS.
3. NO SPECIFIC SOIL INVESTIGATION HAS BEEN COMPLETED ON THIS LOT BY THE SURVEYOR.
4. NO TITLE INFORMATION WAS PROVIDED FOR THIS SURVEY. THIS SURVEY DOES NOT PURPORT TO SHOW ALL EASEMENTS OF RECORD.
5. EXISTING UTILITIES AND SERVICES SHOWN HEREON OWNER LOCATED EITHER PHYSICALLY ON THE GROUND DURING THE SURVEY OR FROM EXISTING RECORDS MADE AVAILABLE TO US OR BY RESIDENT TESTIMONY. OTHER UTILITIES AND SERVICES MAY BE PRESENT. VERIFICATION AND LOCATION OF UTILITIES AND SERVICES SHOULD BE OBTAIN FROM THE OWNERS OF RESPECTIVE UTILITIES BY CONTACTING GOPHER STATE ONE CALL AT (651) 454-0002 PRIOR TO ANY DESIGN, PLANNING OR EXCAVATION.
6. THE SOUTHEAST CORNER OF PROPERTY FELL IN CONCRETE BLOCK WALL AND SET AN IRON PIPE ONLINE NORTH 0.30 FT. THIS IS REFERENCED FOR SUBJECT SITE DATED 4/18/15.
7. THE TOP OF THE TIMBER RETAINING WALL LOCATED ALONG THE SOUTH LINE OF PROPERTY IS LEANING SOUTHERLY OVER SIDEWALK EDGE.

PROPERTY LOCATION: 1201 BUCHANAN ST. NE.
MINNEAPOLIS, MN 55413

NO.	DATE	DESCRIPTION	BY



ENGINEERING DESIGN & SURVEYING
6480 Wayzata Blvd. Minneapolis, MN 55426
OFFICE: (763) 545-2800 FAX: (763) 545-2801
EMAIL: info@edsmn.com WEBSITE: http://edsmn.com

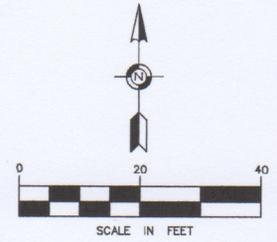
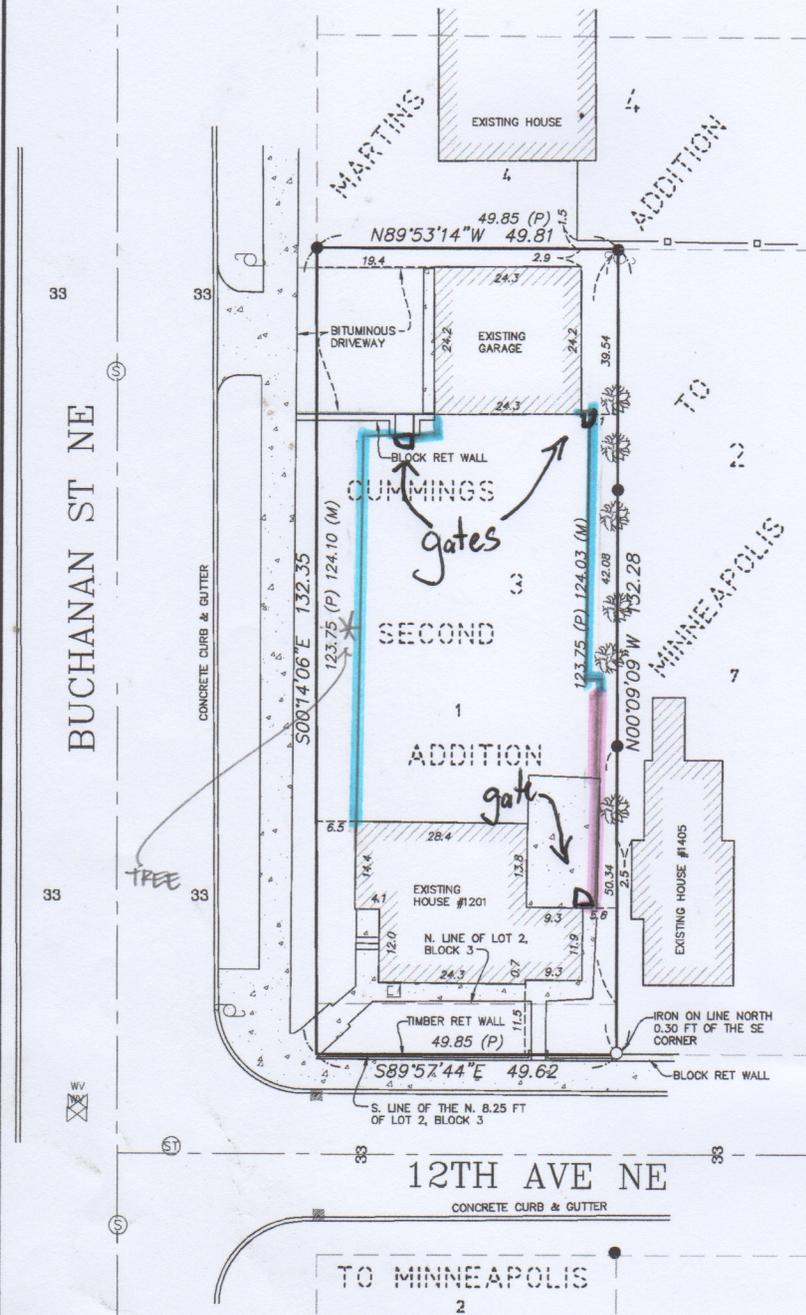
I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.
Vlad Sivriver DATED: 4/19/16
VLADIMIR SIVRIVER L.S. NO. 25105

FIELD WORK DATE: 4/16/16	DRAWN BY: CG	JOB NO. 15-037
FIELD BOOK NO.: EDS-14	CHECKED BY: VS	SHEET NO. 1 OF 1

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6' WOOD CEDAR FENCE
4' WOOD CEDAR FENCE

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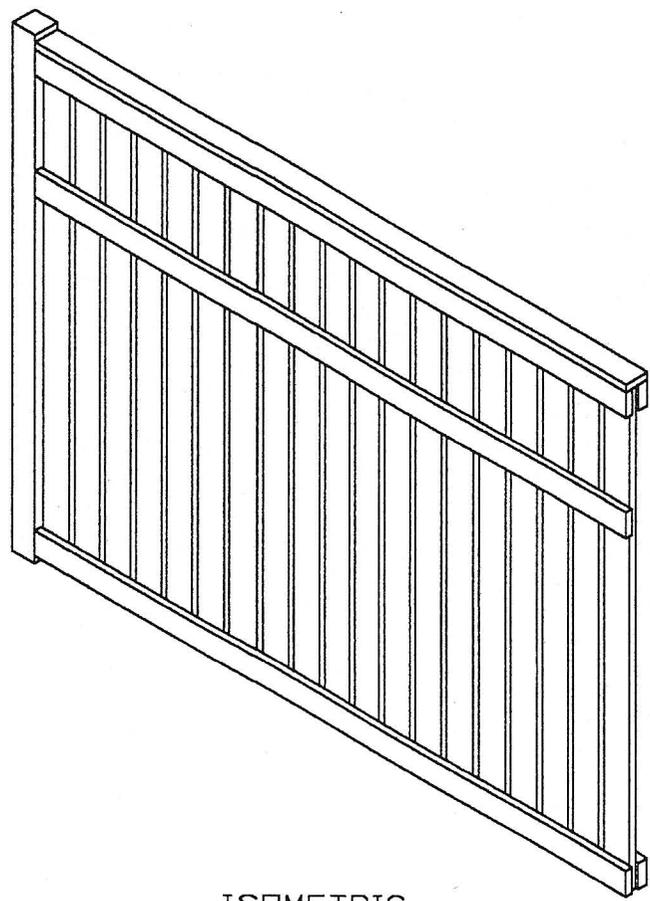


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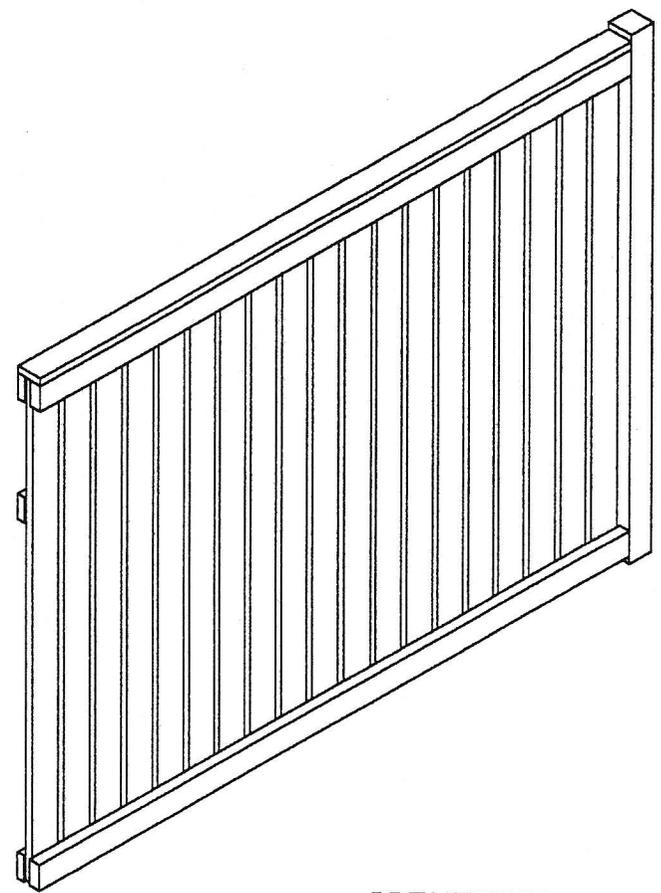
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ISOMETRIC
OUTSIDE VIEW

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Premier			
TITLE:		STRATFORD	
DR BY:	JM	DATE:	1/99
DRW NO:	012500-2		SHT
REV'D:	4/03	SCALE:	NTS
			1 OF

We're not doing
this arch



This is the style of fence that
we would like to install. It won't
have the top caps on the posts
or gaps between the pickets.

